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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO'S TRIAL
BRIEF**

Judge: Hon. Beth Labson Freeman

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Trial Brief.

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal (“Jenkins Declaration”). Cisco files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of some exhibits, as detailed below.

II. DOCUMENTS SOUGHT TO BE SEALED

The document that Cisco seeks to seal through this motion are included in the chart below:

| Document | Portions to Be Filed Under Seal | Party With Claim of Confidentiality |
|---------------------|---------------------------------|-------------------------------------|
| Cisco’s Trial Brief | Highlighted Portions | Arista |

November 11, 2016

Respectfully submitted,

/s/ John M. Neukom

John M. Neukom

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